

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION

FILED  
IN COURT  
STATESVILLE, N. C.

DEC 10 2008

U. S. DISTRICT COURT  
W. DIST. OF N. C.

UNITED STATES OF AMERICA

v.

JESSICA SIGMON,

Defendant.

DOCKET NO: 5:08CR23

**CONSENT ORDER**

**THIS MATTER COMING ON TO BE HEARD AND BEING HEARD** before the Honorable Richard Voorhees, United States District Court Judge for the Western District of North Carolina on the parties' agreement to forfeit proceeds to the United States of America; and,

IT APPEARING to the Court that the United States of America was represented by Mark T. Odulio, and the defendant was present and represented by Samuel B. Winthrop, Attorney at Law; and,

IT APPEARING to the Court that the parties have announced to the Court a joint resolution in this limited matter, and based on these representations the Court makes the following

**FINDINGS OF FACT:**

1. Jessica Sigmon is a single defendant named in a 1- Count Bill of Information filed in the Western District of North Carolina on April 28, 2008. Count One of the Information charged the defendant with Theft, Embezzlement by Bank officer or Employee. The bank involved is the Bank of Granite, an insured bank by the FDIC. The loss amount alleged was Seventy Thousand Five Hundred Sixty-Four and 90/100 Dollars (\$70,564.90).

2. The defendant pled guilty to Count One pursuant to a written Plea Agreement. In regard to Sentencing Guidelines, the parties agreed to recommend a loss amount foreseeable to the defendant to be in excess of Seventy Thousand Dollars (\$70,000.00) but less than One Hundred Twenty Thousand Dollars (\$120,000.00).

3. The defendant currently possesses an ownership interest in and to a certain Pension/Defined Benefit/Profit Sharing Plan or 401K Retirement Plan that she acquired as a result and incident to her employment with the Bank of Granite. The amount held by the Bank of Granite or its designated custodian as behalf of the defendant is approximately

one thousand dollars

4. The United States of America and the defendant have agreed that in the interest of justice that the defendant shall forfeit and surrender any interest in and to that certain Pension/Defined Benefit/Profit Sharing Plan or 401K Retirement Plan that she has acquired as a result and incident to her employment with the Bank of Granite. These forfeited funds will be paid to The Bank of Granite with defendant receiving credit toward any restitution that she will be

ordered to repay to the victim bank. Defendant shall incur any penalty or tax resulting from early withdrawal of said funds.

**BASED ON THE FOREGOING FINDINGS OF FACT, THE COURT MAKES THE FOLLOWING:**

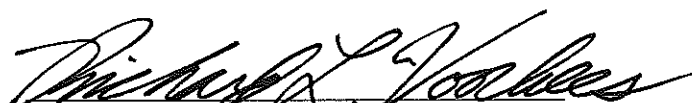
**CONCLUSIONS OF LAW**

- 1) That this Order is fair to both the defendant and the United States of America.
- 2) That the Court has jurisdiction to enter this Order.

**BASED ON THE FOREGOING FINDINGS OF FACT AND CONCLUSIONS OF LAW, IT IS HEREBY ORDERED, ADJUDGED AND DECREED AS FOLLOWS:**

THE DEFENDANT JESSICA SIGMON SHALL FORFEIT ANY INTEREST IN AND TO THAT CERTAIN PENSION/ DEFINED BENEFIT/ PROFIT SHARING PLAN OR 401-K RETIREMENT PLAN THAT SHE HAS ACQUIRED "VESTED" AS A RESULT OF AND INCIDENT TO HER EMPLOYMENT WITH THE BANK OF GRANITE AND THAT ALL FORFEITED FUNDS SHALL BE PAID TO THE BANK OF GRANITE WITH DEFENDANT RECEIVING CREDIT TOWARD ANY RESTITUTION OWED TO THE BANK ARISING OUT OF HER AFOREMENTIONED CRIMINAL CONDUCT. DEFENDANT SHALL FURTHER BE RESPONSIBLE FOR ANY TAX OR PENALTY RESULTING FROM EARLY WITHDRAWAL OF SAID FUNDS.

This the 10<sup>th</sup> day of December, 2008.

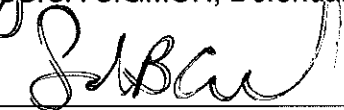
  
HONORABLE RICHARD VOORHEES  
U.S. DISTRICT COURT JUDGE  
WESTERN DISTRICT OF NC

CONSENTED TO BY:

UNITED STATES OF AMERICA

BY:   
MARK ODULIO, Assistant U.S. Attorney

  
JESSICA SIGMON, Defendant

  
SAMUEL B. WINTHROP, Attorney for Defendant